

1792. While, however, the court held the motion under advisement, it was voluntarily withdrawn, and the suit discontinued.*

August Term, 1792.

THE court being met, a commission, appointing THOMAS JOHNSON one of the Justices, bearing date the 7th of November, 1791, was read; and he was qualified according to law.

OSWALD, Administrator, *versus* the STATE of NEW-YORK.

SUMMONS. *Ingersoll* moved for a rule on the marshall of the district of *New-York*, to return the writ in this cause; and, after advisement, THE COURT granted the rule in the following terms:

Ordered, That the marshall of the *New-York* district return the writ to him directed in this cause, before the adjournment of this court, if a copy of this rule shall be seasonably served upon him, or his deputy, or, otherwise, on the first day of the next term. And that in case of a default, he do shew cause therefor, by affidavit taken before one of the judges of the *United States*.

THE STATE of GEORGIA *versus* BRAILSFORD, *et al.*

THIS was a bill in equity filed by "His Excellency *Edward Telfair*, Esq. governor and commander in chief in and over the state of Georgia, in behalf of the said State, complainant;" against *Samuel Brailsford*, *Robert Wm. Powell*, and *John Hopton*, merchants and co-partners, and *James Spalding*, surviving partner of *Kelsall & Spalding*, defendants. The bill set forth the following case:—"That on the 4th of May, 1782, the State of *Georgia* being then free, sovereign and independent, enacted a law entitled 'An act for inflicting penalties on, and confiscating the estates of, such persons as are therein declared guilty

* But see the same suit *post*, and *Grayson versus Virginia*.